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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re T.P., a Person Coming Under
the Juvenile Court Law.

SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

L.L.,

Defendant and Appellant.

C060377

(Super. Ct. No. JD225967)

Appellant, the mother of the minor, appeals from the juvenile court's orders denying her request for modification and terminating reunification services. (Welf. & Inst. Code, §§ 388, subd. (a), 395; undesignated statutory references are to the Welfare and Institutions Code.) Appellant contends: (1) the grounds for terminating reunification services should have been alleged in a subsequent petition because they were new allegations; (2) the minor should have been returned to her; (3) she was not provided reasonable services; and (4) the juvenile

court erred in failing to grant her request for unsupervised visitation. Rejecting these claims, we shall affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In May 2007, the Sacramento County Department of Health and Human Services (the Department) filed a dependency petition regarding the 12-year-old minor, alleging, in relevant part, that appellant had a substance abuse problem and psychiatric and emotional problems that impaired her ability to provide care for the minor, who was developmentally delayed. According to the petition, appellant's mental health had been unstable for the past few days, during which time she kicked the minor in the stomach and stated she wanted to kill him. The petition further alleged there was a history of domestic violence between appellant and the minor's father. The minor was detained.

According to the jurisdictional report, the day before the petition was filed, appellant attempted to check into a psychiatric hospital because she was "'having difficulty dealing with life'" and was "having a hard time parenting" the minor. Appellant admitted she used marijuana and had used methamphetamine. While the jurisdictional hearing was pending, she began participating in an intensive dual diagnosis program and was prescribed a mood stabilizer because she was displaying "[b]ipolar characteristics." However, she expressed confusion as to why she was required to attend substance abuse treatment, as she felt her need for intervention by the Department was the result of her mental health problems.

Appellant's interaction with the minor during visits presented additional concerns: they had limited conversation and the minor was quiet and had a "flat affect," in contrast to his sometimes animated demeanor in the foster home; at times, appellant appeared to "project[] her own issues onto the [minor]"; and, appellant made statements to the minor indicating he would be able to return home. Based, in part, on these concerns, the social worker did not recommend returning the minor to appellant.

Meanwhile, the minor, who had attempted suicide in fifth grade, was exhibiting aggressive conduct and sexual behavior with other children. A mental health assessment recommended that he receive individual therapy to address a number of problems, including "sadness, worrying, tearfulness, yelling, poor concentration, and excessive swearing"

Following a contested jurisdictional hearing in October 2007, the allegations in the petition were sustained with amendments not relevant here, and the juvenile court ordered appellant and the minor's father to comply with the case plan prepared by the social worker.¹ Appellant's case plan identified her mental health problems and lack of parenting skills, as well

¹ The minor's father, who had "been in and out of the [minor's] life," did not actively participate in services and eventually informed the social worker that he was not interested in having custody of the minor.

as the minor's disability, as among the problems requiring intervention.

According to the minor's therapist, the minor believed he was responsible for being in foster care and "blamed himself for his behavior that caused [appellant] to react the way she did." When a visit was cancelled because appellant was late, the minor became "visibly agitated and demanded to speak with [appellant] and be driven to [her] house" because he was certain she was very upset. The minor also said if he were 16, he would run away from his foster home to be with appellant because she "'need[ed] him.'"

Appellant appeared unable "to set firm boundaries with the [minor]" and had "inappropriate interactions and expectations" given the minor's age. She did things such as wiping the minor's face, cleaning his ears and repeatedly questioning him about "toileting." She also "shower[ed] [him] with expensive gifts and large sums of money during each visit." At one visit, when the minor asked why he could not go home, appellant responded, "'Well[,] let's discuss that . . . what did [the minor' name] do?'" As appellant was not benefiting from interventions by the visit supervisor, the social worker began supervising visits.

According to an addendum report in February 2008, appellant was working in conjoint therapy on establishing and maintaining boundaries, positive verbal communication, allowing the minor autonomy and resolving feelings of guilt and anger. The

conjoint therapist noted that appellant looked for opportunities in her interactions with the minor to reinforce his dependency on her by focusing on his deficits and that she sent him mixed messages regarding his responsibility for being placed in foster care.

During visits, appellant continued to make statements that caused the minor to feel the need to comfort her, although she also began to demonstrate progress in her awareness of "age appropriate interventions and consequences." The social worker also reported that appellant recently had tested positive for methamphetamine and amphetamine. On the other hand, appellant's individual counselor reported that appellant had "addressed the issues that warranted her referral for services."

At the review hearing in February 2008, the juvenile court ordered further reunification services but declined to return the minor to appellant's care. The court ordered regular visitation for appellant with discretion to the Department as to whether visits would be supervised.

One month later, appellant filed a request to change the visitation to unsupervised.

According to a progress report the following month, the minor "continue[d] to demonstrate poor boundaries with appellant and unrealistic beliefs and unhelpful feelings concerning his removal." Although conjoint therapy focused on "defining [appellant] in the parental role, [the minor] continue[d] to place much responsibility for their well-being on himself rather

than placing trust in [appellant's] parenting ability." The minor repeatedly expressed a need to take care of appellant.

The social worker noted that appellant's interactions with the minor, who was now 13 years old, kept him dependent on her for things such as cutting his food, cleaning his face, and determining when he needed to make a bowel movement. The social worker felt these interactions "compell[ed] the [minor] to remain low[-]functioning and [were] the cause of [his] emotional instability while in her care." The social worker noted that appellant would remain the trustee of the minor's trust fund as long as he was unable to function independently and, therefore, appellant might be unmotivated to facilitate the minor's development.

According to a subsequent addendum report, the minor told his foster father that "he 'would marry and have sex with [appellant] if she weren't his mother.'" Subsequently, appellant responded defensively when the conjoint therapist recommended she not kiss the minor good-bye on the lips. During an "observed community visit," appellant reviewed a pamphlet with the minor on sexuality that had been provided by the conjoint therapist and required the minor to read aloud a section on incest, then asked the minor if he thought this described their relationship.

According to a subsequent report, the social worker felt the risk of returning the minor to appellant's care was high based on their difficulty demonstrating appropriate, healthy

boundaries and appellant's lack of insight into her behavior. The social worker explained: "[Appellant] and [the minor] continue to have an inappropriate and enmeshed relationship. [The minor] has been diagnosed with an emotional disturbance and has a history of past psychiatric hospitalizations. Visits have not been able to progress beyond supervised as [appellant's] interactions with the [minor] during visits send[] him toxic and mixed messages, resulting in [him] experiencing confusion and feelings of guilt."

During a visit in June 2008, appellant repeatedly had to be redirected from discussing the minor's foster placement with him, and she became confrontational and argumentative with the visit supervisor. Following the early termination of the visit, appellant was uncooperative when the social worker attempted to discuss the visit constructively.

Subsequently, appellant left early from two conjoint counseling sessions after refusing to participate and declined to participate in a psychological evaluation. The conjoint therapist, in consultation with a supervising psychologist, concluded that appellant's "inability to engage productively and therapeutically" in sessions was detrimental to the minor and that the sessions should be suspended until court-ordered evaluations were completed to provide additional treatment recommendations.

The hearing on appellant's request for unsupervised visits was continued numerous times, finally commencing in August 2008

in conjunction with the 12-month review hearing. Appellant's individual therapist testified that appellant met the goals that had been set for individual therapy, which were to work on substance abuse, coping skills, anger management and parental stability. The therapist felt that appellant could reunify with the minor within a month and that she did not pose a threat to him.

The conjoint therapist testified that she had expressed her concerns to appellant's therapist about appellant's pattern of relating to the minor, and the individual therapist said this was not a focus of the individual therapy.

A family service supervisor testified that two of the visit supervisors for appellant's visits had asked to be reassigned because supervising the visits was exhausting due to the amount of redirection appellant required. One of the supervisors explained that she had to closely monitor appellant's conversations with the minor to determine at what point she would need to redirect a discussion on an inappropriate topic. She testified appellant required continual redirection because she would find other ways to discuss the same topic.

The social worker testified that the minor had been designated severely emotionally disturbed, in addition to having "PTSD." He engaged in frequent self-injurious behaviors and received special education services. The social worker explained that the minor's self-injurious behavior had declined since being placed into protective custody, but he regressed

during visits, raising the concern that he would regress if returned to appellant's care. The fact that the minor was emotionally disturbed placed him at greater risk if returned home.

The social worker felt that appellant had inappropriate boundaries with the minor, and there were signs that she "may be grooming [the minor] for some type of sexual abuse." For example, the minor had not known how to bathe himself when he was placed in protective custody and appellant wiped his anus after bowel movements. She also "shower[ed] [the minor] with gifts." The social worker believed there would be a risk to the minor's emotional well-being if he were returned to appellant's care because she had not been able to utilize information from service providers and her interactions with the minor during counseling sessions caused detriment to him. She felt appellant would need to demonstrate that she could establish boundaries with the minor and provide him with emotional support "with regard to developmental issues related to his coming into puberty and developing autonomy" before he could be returned to her care.

The juvenile court denied appellant's request to modify visitation and declined to continue services or return the minor to appellant's care, noting appellant had been inappropriate during visits, demonstrated no ability to learn, and showed "no consideration for the harm" she was causing the minor. The court found reasonable services had been provided and ordered a

permanent plan of out of home placement with a specific goal for the minor to return home.

DISCUSSION

I

Appellant claims a subsequent petition was required in order for the juvenile court to rely on appellant's "failure to provide clear boundaries and emotional support" when making its orders at the 12-month review hearing. She is mistaken.

Section 342 provides, in relevant part: "In any case in which a minor has been found to be a person described by Section 300 and the petitioner alleges new facts or circumstances, other than those under which the original petition was sustained, sufficient to state that the minor is a person described in Section 300, the petitioner shall file a subsequent petition."

In *In re Rodger H.* (1991) 228 Cal.App.3d 1174, 1182-1183, this court held: "[A] supplemental or 'subsequent' petition is required only where a dispositional order removing a child from parental custody may be premised upon 'completely new' conduct or circumstances that are wholly unrelated to the conduct or circumstances alleged in the sustained petition. Conversely, where the conduct or circumstances shown at the disposition hearing tend to explain the conduct or circumstances alleged in the sustained petition, the conduct or circumstances are not 'new' and no new petition need be filed." This reasoning applies equally at review hearings.

Appellant asserts that her "boundary issues" with the minor and her difficulty providing him emotional support were new allegations. Not so. The petition was sustained, in part, based on allegations that appellant had psychiatric and emotional problems that impaired her ability to provide care for the minor and led to her physically abusing him. Problems concerning appellant's ability to interact appropriately with the minor were also disclosed in the jurisdictional report. For example, prior to the dispositional hearing, the court warned appellant that if she continued to discuss the case with the minor during visits, visitation would be suspended. The minor's emotional problems -- including an attempted suicide, sexual and aggressive behavior toward other children, sadness, and worrying -- were known at the time of the dispositional hearing, and appellant's case plan identified her mental health problems and lack of parenting skills, as well as the minor's disability, as issues requiring intervention. Appellant's difficulty establishing proper boundaries and providing emotional support to the minor were related to the issues that had been identified from the beginning of the proceedings.

Appellant's inability to set boundaries with the minor, as well as her inappropriate expectations of him, were expressly identified as primary concerns in a report two months after the dispositional hearing. By this time, the service providers had had a better opportunity to assess the origin and nature of the mental health problems confronted by appellant and the minor.

This was not "'completely new' conduct or circumstances" that were "wholly unrelated to the conduct or circumstances alleged in the sustained petition." (*In re Rodger H.*, *supra*, 228 Cal.App.3d at p. 1183.) To the contrary, the boundary issues were directly related to the minor's emotional problems and appellant's inability to parent properly.

In her report for the six-month review, the social worker identified boundary concerns as the basis for her opinion that the minor would be at risk if returned to appellant's care. There is nothing in the record to suggest that appellant objected at the six-month review hearing to consideration of this issue without a subsequent petition.

By the 12-month review hearing, the dysfunction in appellant's relationship with the minor was well-established. The juvenile court found appellant had consistently been inappropriate during visits, demonstrated no ability to learn and showed "no consideration for the harm" she was causing the minor. The issues that caused the court concern at this juncture, again, were directly related to those that had been identified at the jurisdictional stage. As the "detriment [warranting denial of return of the minor] was a manifestation of the original basis for dependency" (*In re Joseph B.* (1996) 42 Cal.App.4th 890, 903), a subsequent petition was unnecessary.

Appellant cites three cases in support of her argument that the court's findings at the review hearing were based on new allegations. In *In re Neal D.*, the mother had addressed the

housing issue that had been the sole basis alleged for jurisdiction, but the social services agency set forth "[p]hysical, mental, emotional and social problems, none of which were considered in the original hearing," as the basis for denying her request to terminate jurisdiction. (*In re Neal D.* (1972) 23 Cal.App.3d 1045, reversed on other grounds in *In re B.G.* (1974) 11 Cal.3d 679, 691, fn. 15.) The appellate court held, under those circumstances, "a supplemental petition must be filed alleging the grounds upon which the readjudication is to be predicated and notice of the hearing thereon must be given in the same manner as required in a proceeding for a change or modification of order." (*Id.* at p. 1050.) *Neal D.* is distinguishable as, in that case, it was undisputed that the basis relied upon by the court for continuing jurisdiction was not considered at the initial hearing in the matter.

In re Rodger H., *supra*, 228 Cal.App.3d 1174, also relied on by appellant, actually supports the Department. The petition alleged that the parents were unable to adequately manage the child's medical needs, and the appellate court agreed that evidence presented at the dispositional hearing regarding the parents' lack of understanding regarding the child's medical situation, as well as their transportation and housing challenges, related to their ability to attend to the medical needs of the child. In *Rodger H.*, as in the present matter, "[t]he facts adduced at the disposition hearing . . . were facts

merely tending to explain the ultimate fact upon which custody of the child was removed from the parent." (*Id.* at p. 1182.)

Finally, in *In re G.S.R.* (2008) 159 Cal.App.4th 1202, another case relied on by appellant, the appellate court held that the parental rights of a non-offending parent against whom no allegations had been sustained could not be terminated without a showing of parental unfitness. Although at some point during the proceedings, the parent stopped attending AA meetings as ordered, the court observed in a footnote that if the social services agency "was concerned [the non-offending parent] posed a danger to the children, it was required to file a supplemental petition with allegations sufficient to meet the requirements of section 300 or, at least, to seek a change in the court's visitation orders" for unmonitored visits. (*Id.* at p. 1212, fn. 2.) *G.S.R.* is readily distinguishable from the circumstances before us, as allegations against appellant were sustained concerning the impact of her mental health issues on her ability to be an adequate parent to the minor.

In sum, there was no requirement to file a subsequent petition under the circumstances here.

II

Next, appellant asserts that the minor should have been returned to her care because there was insufficient evidence of a risk of detriment to warrant continued removal. We disagree.

At the 12-month review hearing, "[t]he court shall order the return of the child to the physical custody of his or her

parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment." (§ 366.21, subd. (f).)

The juvenile court's determination is subject to review for substantial evidence. (*Robert L. v. Superior Court* (1996) 45 Cal.App.4th 619, 625.) In conducting our review, we must decide if the evidence is reasonable, credible, and of solid value, such that a reasonable trier of fact could find the court's order was proper based on the preponderance of the evidence. (*In re Joseph B., supra*, 42 Cal.App.4th at p. 899; *In re Victoria M.* (1989) 207 Cal.App.3d 1317, 1326.)

Appellant is correct that her regular participation in services was a pertinent consideration at the review hearing when determining whether to return the minor to her care. However, while compliance with the reunification plan is relevant, it is not determinative of whether a child should be returned to parental custody. (*Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 704; *In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1139-1140.) "[T]he court must also consider progress the parent has made towards eliminating the conditions leading to the child[]'s placement out of home." (*In re Dustin R., supra*, at pp. 1141-1142.) Ultimately, "the

decision whether to return the child to parental custody depends on the effect that action would have on the physical or emotional well-being of the child." (*In re Joseph B.*, *supra*, 42 Cal.App.4th at p. 899.) Here lies the problem with return of the minor to appellant's care in the matter before us.

Although appellant had progressed in some areas of her case plan, such as addressing her substance abuse and domestic violence issues, she had not made significant progress in terms of the quality of her interaction with the minor, who had an array of emotional problems. Her behavior during conjoint therapy sessions was detrimental to him and had led to suspension of the sessions. For similar reasons, visits had remained supervised and required diligent supervision to keep appellant from discussing inappropriate topics with the minor. The social worker felt these interactions sent the minor "toxic and mixed messages." Under such circumstances, the juvenile court was warranted in concluding that the return of the minor to appellant's care would create a substantial risk of detriment to his emotional well-being.

Appellant maintains the social worker's opinion that she had not gained insight was insufficient to support a finding of detriment. She compares her circumstances to those in *Blanca P. v. Superior Court*, (1996) 45 Cal.App.4th 1738, which held that the social worker's opinion regarding the parents' failure to internalize what they had learned in parenting class was too vague to form the basis for refusing to return the child to

their care. However, in *Blanca P.*, the only evidence supporting the social worker's opinion was the father's continued denial of the underlying allegations. Here, numerous examples of conduct by appellant supported the conclusion that she had not been able to utilize the information provided to her to ameliorate her inappropriate interactions with the minor. Thus, *Blanca P.* is distinguishable.

Appellant claims the juvenile court "relied upon minor issues regarding appellant's relationship with [the minor]," such as "buying gifts for [him], wiping his face after he ate, and helping him clean his glasses," when it declined to return him to her care. Appellant minimizes this behavior, which also included cutting the minor's food, determining when he needed to make a bowel movement, and being resistant when it was suggested that she not kiss the minor on the mouth. While this behavior alone was of concern on many levels, appellant's inappropriate interactions with the minor went beyond this. According to the conjoint therapist, during therapy sessions, appellant looked for opportunities to reinforce the minor's dependence on her by focusing on his deficits. She also sent him mixed messages regarding his responsibility for being removed. During visits, appellant made comments that caused the minor to feel he needed to comfort her. These interactions were detrimental to the minor, who was emotionally disturbed.

Appellant's reliance on *David B. v. Superior Court* (2004) 123 Cal.App.4th 768 is misplaced. In that case, the appellate

court found it was error for the juvenile court to refuse to return the child to her father based on questions he asked about parenting "details" that did not reflect a risk to the child. The appellate court noted: "When we are considering whether to deprive a parent of custody, we are concerned only about their grasp of the important parenting concepts-things such as a child's need for security, adequate nutrition and shelter, freedom from violence, proper sanitation, healthcare, and education." (*Id.* at p. 790.) The appellate court observed: "The more salient issue is whether [the parent] reacts inappropriately to [the child's] behavior." (*Ibid.*) Unlike in *David B.*, in which there was no evidence that the father reacted inappropriately to the child's behavior, here, appellant was repeatedly inappropriate with the minor, despite a multitude of services designed to assist her in this regard.

Appellant also suggests the minor could have been returned to her with family maintenance services. Appellant's lack of insight into why she needed to utilize the suggestions of the social worker and conjoint therapist rendered it unlikely that she would follow through on the input from service providers once the minor was placed with her. Her visits with the minor required such vigilant supervision that two visit supervisors requested to be reassigned. The juvenile court was warranted in concluding that placing the minor with appellant under such circumstances was not a viable alternative.

III

Appellant also claims there was insufficient evidence to support the juvenile court's finding that she was provided reasonable services. Again, we disagree.

At the 12-month review, "[t]he court shall . . . determine whether reasonable services that were designed to aid the parent or legal guardian to overcome the problems that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian." (§ 366.21, subd. (f).)

The purpose of reunification services is to correct the conditions that led to removal so that the dependent child can be returned home. (*In re Joanna Y.* (1992) 8 Cal.App.4th 433, 438.) The social worker must make a good faith effort to provide reasonable services responding to the unique needs of each family "in spite of the difficulties of doing so or the prospects of success." (*In re Dino E.* (1992) 6 Cal.App.4th 1768, 1777; *In re Kristin W.* (1990) 222 Cal.App.3d 234, 254.) In evaluating the reasonableness of services, "[t]he standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances." (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.) We note, too, that "[r]eunification services are voluntary, and cannot be forced on an unwilling or indifferent parent." (*In re Jonathan R.* (1989) 211 Cal.App.3d 1214, 1220.)

A juvenile court's finding regarding reasonable services is subject to review for substantial evidence. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.)

Appellant contends services should have been provided earlier in the proceedings to address the boundary issues and her difficulty providing emotional support to the minor. A review of the record shows that these issues were being addressed from early in the proceedings.

The minor began attending individual counseling before the jurisdictional hearing. Two weeks after that hearing, the therapist reported that the minor had "poor insight" into "the enmeshed relationship" he had with appellant. Shortly thereafter, the therapist reported that one of the focuses of the minor's therapy was to teach him skills to address this enmeshed relationship.

Conjoint therapy began the month after the dispositional hearing, and the majority of sessions focused on "establishing healthier parent-child boundaries by identifying domains in which [the minor] should be expected to act independently . . . and alleviating [the minor's] sense of guilt and responsibility for being placed into protective custody."

Thus, appellant is mistaken in asserting these issues were not addressed early enough in the proceedings.

Appellant also accuses the Department of failing to make a good faith effort to provide conjoint counseling earlier in the proceedings. The social worker communicated to the minor's

therapist the need to set up conjoint therapy immediately following the jurisdictional and dispositional hearing. She followed up on the request two weeks later and spoke to the conjoint therapist three weeks after that. At that time, the conjoint therapist reported she was having difficulty setting up sessions due to a conflict in the schedules of appellant and the foster father. The social worker resolved the scheduling conflict, as well as a transportation issue regarding the minor so that sessions were able to commence by early December 2007, approximately six weeks after the jurisdictional and dispositional hearing.

Appellant complains that the Department failed to find a new therapist when conjoint therapy was cancelled. But it was appellant's "inability to engage productively and therapeutically" in conjoint therapy, causing detriment to the minor, that resulted in these sessions being canceled. The conjoint therapist recommended that sessions be discontinued until a psychological evaluation and a bonding assessment could be completed, to obtain recommendations for treatment. Commencing conjoint therapy with a new therapist was not indicated under such circumstances.

Appellant faults the Department for failing to obtain a psychological evaluation and a bonding assessment, even though this was recommended by the conjoint therapist. The social worker discussed with appellant the therapist's recommendation and the Department's request for a psychological evaluation and

informed appellant that a referral could be submitted immediately if she agreed to voluntarily participate in the evaluation. Appellant refused, stating she did not agree with the need for an evaluation. Consequently, it was appellant's unwillingness to cooperate that prevented these evaluations from being completed.

Finally, appellant maintains that "the Department failed to keep [her] individual therapist informed of the status of the case." In fact, the social worker communicated with appellant's therapist in November 2007, updating her on various issues, including appellant's "use of guilt inducing statements and questions when communicating with [the minor][]" and [the] need for [appellant] to develop appropriate communication skills." She spoke to the therapist again in January and June 2008. The conjoint counselor also expressed her concerns to appellant's individual counselor about appellant's pattern of relating to the minor.

In sum, substantial evidence supports the juvenile court's finding that appellant was provided reasonable services.

IV

Appellant's final contention is that the juvenile court abused its discretion by denying her request for unsupervised visits with the minor. We reject this claim as well.

Section 388, subdivision (a), provides in pertinent part: "Any parent . . . may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the

child was found to be a dependent child of the juvenile court . . . for a hearing to change, modify, or set aside any order of court previously made"

Section 388 permits a modification of a dependency order if a change of circumstance or new evidence is shown and if the proposed modification is in the best interests of the child. (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 526.) The petitioning party has the burden of proof by a preponderance of the evidence. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 48.)

At the six-month review hearing in the present matter, the juvenile court ordered regular visitation with discretion in the Department as to whether visits would be supervised. One month later, appellant filed a request to modify that order to require unsupervised visitation, asserting that the Department was not using its discretion to allow unsupervised visits. In her request, she set forth evidence that had been presented at the hearing at which the prior order was made and asserted that she had continued to progress in services and visit the minor.

We question whether appellant's request for modification set forth changed circumstances, as she predominantly relied on evidence that was considered by the juvenile court when it made the order she sought to modify. In any event, by the time of the hearing on her request, an "observed community visit" had occurred and, due to the amount of redirection appellant needed during that visit, unsupervised visits were not initiated. Appellant's interactions with the minor did not improve

following this visit. Consequently, the juvenile court did not abuse its discretion in declining to grant appellant's request for unsupervised visits.

DISPOSITION

The juvenile court's orders are affirmed.

SIMS, J.

We concur:

SCOTLAND, P. J.

CANTIL-SAKAUYE, J.